

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

CLAUDIA BARRY,  
Plaintiff,

v.

WELLS FARGO HOME MORTGAGE, et  
al.,  
Defendants.

Case No. [15-cv-04606-BLF](#)

**ORDER REGARDING PLAINTIFF'S  
AMENDED COMPLAINT**

[Re: ECF 22]

On January 27, 2016, the Court directed Plaintiff to file an amended complaint or respond to Defendant's pending motion to dismiss by February 9, 2016. ECF 18. On February 3, 2016, the Court received a letter from Plaintiff. ECF 22. In that letter, Plaintiff states that her "amended complaint was included with her request for leave to amend and it is the court's oversight that it was not recognized the first time. The plaintiff is including another copy of the identical complaint as requested by the court." *Id.* Plaintiff's letter, however, did not include any attachments.

Plaintiff fails to recognize her obligation to file an amended complaint. Plaintiff mistakenly believes that attaching an amended complaint to a motion for leave to file an amended complaint is the same as filing the complaint. Contrary to Plaintiff's understanding and as the Court has repeatedly indicated in its prior orders, after Plaintiff's request to file an amended complaint was granted, Plaintiff was required to file an amended complaint. *See* ECF 17 at 1 ("Plaintiff shall file and serve the First Amended Complaint on or before January 12, 2016), ECF 18 at 1 ("Plaintiff is [ordered] to either file an amended complaint").

Plaintiff's recent letter indicates that her amended complaint is the same as the amended complaint included with her motion for leave to file an amended complaint. ECF 22. In light of

Plaintiff's *pro se* status and in the interests of judicial economy, the Court ORDERS the Clerk of the Court to file the amended complaint included with Plaintiff's motion for leave to amend the complaint at Docket 16 as Plaintiff's First Amended Complaint and Plaintiff's First Amended Complaint is deemed filed as of February 4, 2016. The Court MOOTS Defendant's motion to dismiss for failure to prosecute and failure to comply with a court order. Defendant shall respond to Plaintiff's First Amended Complaint within the time limits prescribed by Federal Rule of Civil Procedure 12.

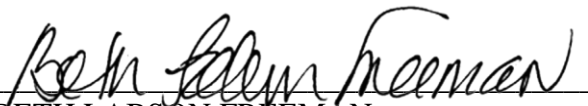
Plaintiff may wish to contact the Federal Pro Se Program, a free program that offers limited legal services and advice to parties who are representing themselves. The Federal Pro Se Program has offices in two locations, listed below. Help is provided by appointment and on a drop-in basis. Parties may make appointments by calling the program's staff attorney, Mr. Kevin Knestrick, at 408-297-1480. Additional information regarding the Federal Pro Se Program is available at <http://cand.uscourts.gov/helpcentersj>.

Federal Pro Se Program  
United States Courthouse  
280 South 1st Street  
2nd Floor, Room 2070  
San Jose, CA 95113  
Monday to Thursday 1:00 pm – 4:00 pm  
Fridays by appointment only

Federal Pro Se Program  
The Law Foundation of Silicon Valley  
152 North 3rd Street  
3rd Floor  
San Jose, CA 95112  
Monday to Thursday 9:00 am – 12:00 pm  
Fridays by appointment only

**IT IS SO ORDERED.**

Dated: February 4, 2016

  
BETH LABSON FREEMAN  
United States District Judge